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and the Utah Division of Consumer Protection

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DAY PACER LLC, et al.,

Defendants,

ADAM WATSON and UTAH DIVISION
OF CONSUMER PROTECTION

Non-Party Movants.

**NON-PARTY ADAM WATSON'S
DECLARATION IN SUPPORT OF
MOTION TO QUASH PURSUANT TO
FED. R. CIV. P. 26(c) & 45, AND
DUCivR 26(b) & 37-1**

United States District Court
Northern District of Illinois, Eastern
Division
Case Number: 1:19-cv-01984
Judge Edmond E. Chang

I, Adam Watson, declare as follows:

1. I am over the age of 21 and a resident of the State of Utah. I have personal knowledge of the matters and facts set forth herein, and if called to testify, I could and would competently testify to the same.

2. I am employed as Chief Investigator for the Utah Department of Commerce, Division of Consumer Protection (the “Division”). My responsibilities include reviewing complaints lodged with the Division and investigating whether individuals and businesses have violated Utah’s consumer protection laws. As Chief Investigator, I oversee other investigators who conduct the primary investigative work.

3. The Division is not part of the FTC’s lawsuit against Day Pacer LLC.

4. I was not the primary investigator with respect to Day Pacer. I was the supervisor of the primary investigator, Ao Pauga.

5. I met twice in person with Raymond Fitzgerald and David Cumming, both of whom I understand are officers of Day Pacer and defendants in this case. Although I cannot recall specifically, I may have communicated with Mr. Fitzgerald and/or Mr. Cumming on other occasions as well.

6. My knowledge of Day Pacer LLC and its owners, principals, or employees comes from investigative work by the Division, internal communications about that investigation, and my meetings with Messrs. Fitzgerald and Cumming.

7. The Division and I assert the government deliberative privilege and law enforcement privilege over my communications with Mr. Pauga regarding his investigatory work into Day Pacer, our internal assessments, opinions and conclusions regarding our investigation,

and my communications with the FTC regarding Day Pacer. These communications involved investigative techniques, confidential sources of information, and our deliberations, assessments, and opinions.

I declare under criminal penalty under the laws of the United States that the foregoing is true and correct.

Signed on the 4th day of January 2021, at Salt Lake City, Utah.

/s/ Adam Watson*

Adam Watson

* I certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January 2021, I served the foregoing **NON-PARTY ADAM WATSON'S DECLARATION IN SUPPORT OF MOTION TO QUASH PURSUANT TO FED. R. CIV. P. 26(c) & 45, AND DUCivR 26(b) & 37-1** by email to counsel for the parties in the underlying action shown on the attached service list.

/s/ Joni Ostler
Joni Ostler

1:19-cv-01984 Federal Trade Commission v. Day Pacer LLC et al.

Edmond E. Chang, presiding

Young B. Kim, referral

Date filed: 03/22/2019

Date of last filing: 12/21/2020

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